

JUDGE'S COPY

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Attorneys for Defendants Thomas Duran; Bruce Cluck; Debra Hankey;
John Jennings; William Orth; Rae Hientzelman; David Vazquez; and Briton Shelton

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JASON ERIC BENSON,
Plaintiff

CIVIL ACTION

v.

NO. 1:00-CV-01229

THOMAS DURAN; BRUCE CLUCK;
DEBRA HANKEY; JOHN JENNINGS;
WILLIAM ORTH; RAE HIENTZELMAN;
RONALD LONG and WILLIAM ELLIEN;
BRITON SHELTON; DAVID VAZQUEZ;
WILLIAM J. STEINOUR;
Defendants

FILED
HARRISBURG

APR 24 2001

MARY E. D'ANDREA, CLERK
Per 576
DEPUTY CLERK

**ANSWER OF ADAMS COUNTY DEFENDANTS TO
PLAINTIFF'S REQUEST FOR ADMISSIONS**

AND NOW, Defendants Thomas Duran, Bruce Cluck, Debra Hankey, John Jennings, William Orth, Rae Hientzelman, David Vazquez and Briton Shelton, by their attorneys, Thomas, Thomas & Hafer, LLP, file these Answers to Plaintiff's Request for Admissions, as follows:

1. Admitted.
2. Admitted.

3. Admitted.

4. Denied. Although portions of the incident were taped, it is denied that the entire incident was taped.

5. Admitted.

6. Denied. By way of answer, Defendants aver that inmate Benson became a physical threat to prison staff and himself when he resisted, including spitting upon prison staff.

7. Defendants are unable to admit or deny whether Plaintiff had any seizure attacks on the morning of August 30, 1999, while at the Adams County Prison.

8. Denied. To the contrary, Defendants contacted the Adams County Sheriff to take Plaintiff to the Gettysburg Hospital due to Plaintiff's medical condition.

9. Denied.

10. Denied.

11. Denied. By way of answer, some employees of the Adams County Prison who have trained in use of oleoresin capiscum spray have had it used on them while in training.

12. Denied.

13. Denied.

14. Denied.

15. Denied. By way of further answer, Plaintiff was taken to the floor as he was striking his head on a computer and held to the floor until he settled down and became calm.

16. Denied. By way of further answer, Plaintiff willfully refused to a strip search pursuant to prison policy despite repeated requests. O. C. Foam was used to compel Plaintiff to submit to prison policy.

17. Denied.

18. Denied.

19. Denied.

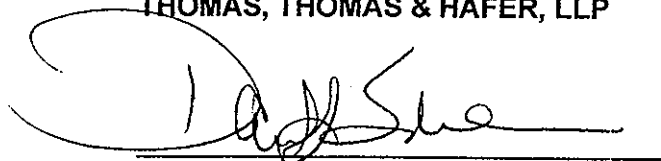
20. Defendants are unable to admit or deny whether Plaintiff had any seizure attacks on the morning of August 30, 1999, while at the Adams County Prison.

21. Denied.

22. Denied. By way of answer, Defendants aver that inmate Benson became a physical threat to prison staff and himself when he resisted, including spitting upon prison staff.

23. Denied.

THOMAS, THOMAS & HAFFER, LLP



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Attorneys for Adams County Defendants

Date: 4/24/01
:127865.1

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VERIFICATION

I hereby verify that the averments made in the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.



Warden Debra Hankey

Date: 4-19-01

CERTIFICATE OF SERVICE

I, David L. Schwalm, Attorney for Thomas, Thomas & Hafer, LLP, hereby certify that a copy of the foregoing document was served upon the following, by enclosing a true and correct copy in an envelope addressed as follows, postage prepaid:

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By: 

David L. Schwalm, Esquire

DATED: 4/24/01